

Application No. 10/705,408
Amendment dated November 28, 2005
Reply to Office Action of August 27, 2005

Docket No.: 20050/0200472-USO

REMARKS

Pending Claims

Claims 1-18 are pending. Claim 1 has been amended to correct informalities. No new matter has been added.

Claim Rejections – 35 USC §101

Claims 1-18 have been rejected under 35 USC §101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claim 1 has been amended to use the “adapted to” language to not claim a part of a human body. Claims 2-18 all depend from claim 1 directly or indirectly, and therefore, the amendments to claim 1 apply equally to the dependent claims as well. Withdrawal of the non-statutory rejection is respectfully requested.

Double Patenting

Claims 1, 2, 6, 8-10, 13, 15, and 16 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 10-15 of copending Application NO. 10/705,779.

Because of the provisional nature of this rejection, Applicant will address this rejection when all of the pending claims are allowable except for the double patenting rejection (for example, by filing a terminal disclaimer if necessary).

Furthermore, Applicant respectfully point out that claims of Application No. 10/705,779 are being further amended to address their rejections. Applicant request that the double patenting rejection be reviewed in view of the amendments to the claims in Application No. 10/705,779.

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In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: November 28, 2005

Respectfully submitted,

By 

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